



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

JUL 15 2013

OFFICE OF
INSPECTOR GENERAL

TO: Mike Binder

As the OIG Deputy Ethics Official, I approve your request to participate in an outside activity as an Instructor (college and graduate professional continuing education) as provided below, as well as your request for approval of the activity for **nonresponsive** **nonresponsive & b(6)**

You stated that you will be teaching the following courses at University of Maryland University College (UMUC):

- Management Theory and Principles
- Business Communications
- Financial Management
- Strategic Development
- White Collar Crime, and
at the Graduate School (GS), Government Auditing Training School (GATI):
- Audit Planning
- Assessment of Internal Controls
- Creative Thinking for Auditors
- Auditing Performance Outcomes
- The Human Side of Auditing, and
- Effective Briefing Techniques for Auditors

You stated that all of these courses are regularly offered courses in the catalogue for each of these schools. You expect to be compensated approximately **(b) (6)** per semester credit or **(b) (6)** per day for CPE; **nonresponsive, (b)(6)**

nonresponsive, (b)(6) You stated that you plan to teach courses of either one evening or weekend day a week, or two-three consecutive days a semester, and confirmed by phone that the courses at UMUC are 15 week courses and courses at the GS are 2-3 day courses (there are no one- day courses). Further, you stated that class and preparation time will be entirely outside of work hours, or while on annual leave.

You are the Deputy Chief of Staff in OCOS. OCOS is responsible for organization-wide coordination and leadership in promoting the most efficient use and accountability for

OIG resources. It is organized into three sub-components: Budget, Planning, and Results Directorate, the Human Resources Directorate, and Support Services.

First, because you have extensive knowledge of the subject matter of the audit and management related courses based on your EPA OIG employment experience and educational background including a degree in (b) (6) and (b) (6)

I find that it does not appear that either teaching position was offered to you because of your official position.

However, I do find that several, if not all of the listed courses are related to your official duties. You stated that while no EPA OIG specific content is used in the courses you teach, the material content of these courses is related to the “basic knowledge, abilities, and skills” that are required and applied by you in EPA OIG. I find that the subject matter of the courses you may be teaching is related to your official duties at EPA because it is a matter to which you are presently assigned, and/or is an ongoing operation of the EPA or EPA OIG. See 5 CFR 2635.807(a)(2)(i)(E). However, I find your employment nonresponsive & b(6)s not related to your official duties at EPA.

For any of the courses listed which may be generally within the EPA’s or EPA-OIG’s areas of responsibility, the applicable regulatory note provides an exception for teaching a subject “within the employee’s discipline or inherent area of expertise based on his education background or experience...” which I find applies based on your educational background. See Note to 5 CFR 2635.807(a)(2)(i)(E). In addition, to the extent that this activity relates to your official duties or an ongoing or announced operation of the agency, I also find that the courses that you plan to teach that are in the regularly established curriculums at UMUC and GS/IGATI, and that require multiple presentations by you, fall within the exception provided by 5 CFR 2635.807(a)(3) to the ban on receiving compensation for an activity related to official duty.

My application of 5 CFR 2635.807(a)(3) to the courses at the GS rests in part on the Middle States Commission on Higher Education (MSCHE) granting of preaccreditation status in November 2012. See 20 USC 1001(a)(5). According to MSCHE, institutions remain candidates for accreditation for at least one year and must have demonstrated compliance with standards within the maximum of five years.¹ Please notify OC if GS loses this accreditation status during the period for which this approval of an outside activity is in effect, as this exception would no longer apply in that case.

You have indicated that the teaching activity may be an ongoing position for other semesters. For the approved courses, approval is granted only for teaching the courses specifically identified above at each of the identified institutions, however, this approval

¹ See http://www.msche.org/publications/Becoming_Accredited_0109.pdf.

is not limited to a specific semester and is granted for five years (with the potential exception related to the possibility of loss of preaccreditation status).

Please note that you will need to seek prior approval before you teach any other course or at any other educational institution. You are also responsible for reporting the position and any income (or as an arrangement for future employment) on your next financial disclosure report, as appropriate.

Because you are engaging in this outside employment activity in your personal capacity, you must comply with 5 CFR 2635.807(b)(1) in making any reference to your official title and position in regard to any courses. You may only do so when it is included as one of several biographical details, with your position at EPA having no more prominence than other significant biographical details.

As stated in your request, no official duty time or Government property, or resources not available to the general public may be used in this endeavor, and you must continue to abide by the restrictions in 5 CFR Part 2635 and 5 CFR Section 6401.102.

A copy of this approval will be retained by the Office of Counsel.

Alan S. Larsen



Counsel to the Inspector General



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C. 20460

June 10, 2011

OFFICE OF
INSPECTOR GENERAL

MEMORANDUM

FROM: Michael J. Binder, Deputy Chief of Staff

TO: Aracely Nunez-Mattocks, Chief of Staff

SUBJECT: Updated Request for Permission to Engage in Outside Activity – Teaching

According to the OIG Manual on Conduct, OIG staff members must request and receive permission to engage in outside activities for which they receive compensation.

I requested such approval upon entering service with the OIG

nonresponsive & b(6)

previous requests were approved without reservation.

I am now on the faculty of the University of Maryland, University College, Howard Community College, the Graduate School.

Teaching management, finance and auditing courses has provided me with an extraordinary opportunity for self development, as well as providing indirect cost savings for my training and CPE requirements to the OIG. Teaching one or two courses a semester requires about the same amount of time as being a student in those classes, with all preparation and presentation done on my own non-OIG time. I do not rely upon or present any OIG or EPA specific resources beyond a general body knowledge and experience in the subject areas as part of my teaching credentials. While this activity does not conflict with, divert or diminish my time and attention to my OIG responsibilities, it greatly enhances my professional development, along with the additional knowledge, skill and value I bring as a member of the OIG.

Therefore I am seeking an update to the original approval I previously received for this outside activity. I would be happy to discuss this request or answer any questions you may have concerning this activity.

Approved ; Date 6/10/11 Disapproved _____:Date _____.

MEMORANDUM

DATE: June 17, 2013

SUBJECT: Request for Approval for Outside Employment or Activity for: Teaching Management, Finance and Auditing Classes at The University of Maryland University College and the Graduate School; and **nonresponsive**
nonresponsive & b(6)

FROM: Michael J. Binder, Deputy Chief of Staff, GS-15

THRU: Aracely Nunez-Mattocks, Chief of Staff



TO: Counsel to the IG

I am formally requesting permission to accept an opportunity to teach at the college level and for graduate professional continuing education; and **nonresponsive & b(6)** The *Supplemental Standards of Ethical Conduct for Employees of the Environmental Protection Agency* requires that the employee's request for approval of outside employment shall be submitted in writing to his or her Deputy Ethics Official. This memorandum serves that purpose. For teaching at the University of Maryland University College and The Graduate School:

- *Teaching courses of either one evening or weekend day a week; or two-three consecutive days a semester on a contract for services basis typically for about **(b) (6)** semester per credit or **(b) (6)** a day for continuing professional education. **nonresponsive**
(b)(6) and nonresponsive*
- *University of Maryland, University College and the Graduate School, Government Audit Training Institute. Colleges Education and Continuing Professional Education*
- *The time required will be about 6-8 hours a week during a semester including classroom and preparation time and – 8 hours a day for professional development classes.*
- *The class and preparation time will be entirely outside of work hours or while on annual leave.*
- *The basis for compensation is fee by course –depending upon the contact hours*
- *There are no assistance agreements with the provider of the services. However, EPA OIG does regularly fund training of OIG individual staff members at Graduate School classes based upon the staff member's IDP and supervisory approval.*

The topics of the courses I teach for UMUC are Management Theory and Principles, Business Communications, Financial Management, Strategic Development and White Collar Crime.

The topics/course titles I teach for the Graduate School (GATI) are: Audit Planning, Assessment of Internal Controls, Creative Thinking for Auditors, Auditing Performance Outcomes, the Human Side of Auditing, And Effective Briefing Techniques for Auditors.

All of these courses are regularly offered courses in the catalogue for each of these schools.

The material content of these courses relates to basic knowledge, abilities and skills that are also required and applied in my career with the EPA OIG. No EPA OIG specific content is used – just the academic body of knowledge enhanced by my application of this knowledge during my (b) (6) year career in the Federal Government and (b) (6) year career as a part-time adjunct college instructor and nonresponsive, (b)(6)

My educational background that qualifies me to teach includes:

(b) (6) (b) (6)

Certificate Program (b) (6)

Certificate, (b) (6)

(b) (6)

Certificate, (b) (6)

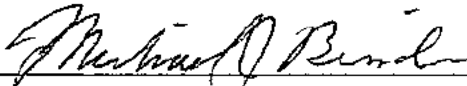
(b) (6)

(b) (6) (by examination)

(b) (6)

Additionally, I receive required CPE for preparation and presentation of course material related to the work of a federal auditor. Therefore by receiving CPE for teaching on my own time, I regularly save the EPA OIG about \$2,000 - \$4,000 annually compared to other auditors.

I will use no official duty time or Government property, resources, or facilities not available to the general public in this endeavor. I have read, am familiar with, and will abide by the restrictions described in 5 CFR part 2635 and § 6401.102.



Michael J. Binder

Date: June 17, 2013

From: [Eric Hanger](#)
To: [Dan Engelberg](#)
Cc: [Wade Najjum](#)
Subject: Approval for Outside Activity Request - Teaching Environmental/Energy Law and Policy Development
Date: 11/10/2010 12:31 PM

Dan,

As the OIG Deputy Ethics Official, I have reviewed and **approve** your request to engage in an outside activity to teach a single graduate level course on Environmental/Energy Law and Policy Development at the University of Maryland for the Spring 2011 semester. For this work, you expect to receive compensation of (b) (6). You have indicated that the position was offered primarily because of your educational background (b) (6) and extensive knowledge of the subject area, and that subject of the course does not relate to your official duties. Even if it did relate to your official duties, I find that it would appear that you fit the note exception to 5 CFR 2635.807(e)(2)(E), as the subject matter of the course appears to be within your "discipline or inherent area of expertise" based on your educational background and experience. See Note to 5 CFR 2635.807(e)(2)(E). Moreover, I determine that this course fits the exception to the ban on receiving compensation for work that is related to official duty since it is for teaching a course requiring multiple presentations which is part of the regularly established curriculum at an educational institution. See 5 CFR 2635.807(e)(3).

While your request envisions the possibility of teaching future courses in environmental management and policy, this approval extends only to this one course. Should you teach any other course or at any other time, you will need to seek prior approval again.

Because you are engaged in this activity in your personal capacity, you are advised to abide by 5 CFR 2635.807(b)(2) in making reference to your official title and position. You can do so only as one of several biographical details with EPA not having any undue prominence.

You will have to report this position and the income on your next financial disclosure report. I will place a copy of this approval in your financial disclosure ethics file.

Eric

Eric Hanger
Acting Counsel to the EPA Inspector General
202 566-0866 tel
202 566-0870 fax